

REMARKS

In accordance with the foregoing, the specification has been amended to improve form and provide improved correlation with the drawings and claims. Claims 1 and 24 have been amended, and claims 1 and 3-33 are pending and under consideration. No new matter is presented in this Amendment.

OBJECTIONS:

Claim 24 is objected to because of various informalities. The applicants have amended claim 22 to correct the informalities indicated by the Examiner.

The Examiner objected to the title as being insufficiently descriptive. The applicants have amended the title to more clearly describe aspects of the present invention.

The Examiner objected to FIGS. 1A, 1B, and 2. The applicants have amended these figures to include the labels suggested by the Examiner.

REJECTIONS UNDER 35 U.S.C. §112:

On page 3 of the Office Action, the Examiner rejects claim 33 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The rejection is respectfully traversed and reconsideration is requested.

By way of review, claim 33 recites, among features, that "the compatibility information is selectable between a state indicating compatibility with the version of the drive and another state indicating non-compatibility with a drive following a version older than the version of the drive." In rejecting claim 33, the Examiner asserts that the specification, in light of paragraph 53, refers to the selection by a drive such that there is no suggestion of the compatibility being selectable. However, while not limited thereto, an example of the compatibility information is described in paragraphs 54 and 55 using an example of an n version of a standard and an x version of the standard which is older than the n version. The compatibility information is described in terms four potential combinations of bits in the predetermined byte. The first combination of bits represents that the n version is not compatible with the x version drive. The second through fourth combinations indicate that the n version is compatible with the x version drive at corresponding speeds. Since the bit combinations are not described as all being recorded for

the same x version drive, the combinations are selectable between these choices in order to indicate different compatibility for x version drives. As such, it is respectfully submitted that the specification does support claim 33 for purposes of 35 U.S.C. §112, first paragraph, and it is requested that the Examiner reconsider and withdraw the rejection.

Claims 18-32 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The rejection is respectfully traversed and reconsideration is requested.

The Examiner asserts that the term "the information storage medium having the version of the standard that is newer than the version of the standard of the drive" recited in claims 18 and 24 is indefinite. However, claims 18 and 24 previously recite "a drive following a version of a standard that is older than a version of the standard of the information storage medium". The limitation in the preamble compares the version of the standard of the drive with the version of the standard of the information storage medium from the perspective of the drive. If the version of the standard of the drive is older than that of the information storage medium, then the version of the standard of the information storage medium is newer than that of the drive. The limitation objected to by the Examiner is thus merely a restatement of a limitation previously recited in the preamble of the claim from the perspective of the information storage medium. Such a restatement makes sense in the context of the claim because the recitation in the preamble is made in the context of the drive, whereas the recitation in the body of the claim is made in the context of the information storage medium. A person of ordinary skill in the art would recognize the equivalence of the two limitations. Accordingly, the applicants submit that claims 18 and 24, and the claims depending therefrom, are not indefinite, and the rejection of claims 18-32 should be withdrawn.

**REJECTIONS UNDER 35 U.S.C. §102:**

Claims 1 and 4-6 are rejected under 35 U.S.C. §102(b) as being anticipated by Kumagai et al. (U.S. Patent Publication 2002/0048241). The rejection is respectfully traversed and reconsideration is requested.

Kumagai does not disclose all of the limitations of claim 1. For example, Kumagai does not disclose compatibility information about whether the information storage medium is compatible with the drive following the version of the standard that is older than the version of the standard of the information storage medium. Specifically, to the extent Kumagai discloses

recording "disk compatibility information" as set forth in paragraph 40, this information indicates a recording linear velocity (recording speed) that is compatible with the disc. A drive uses this linear velocity information to determine whether the drive can write to the disk as described in paragraph 0057 to 0058. Both recording speeds are relative to the CD-RW standard, but there is no suggestion that the recording speeds are with different versions of the CD-RW standard. (Paragraphs 0005, 0006, 0057). The disk compatibility information disclosed by Kumagai is thus directed toward available recording speeds of the disk, not toward versions of a standard with which the information storage medium is compatible, as recited in claim 1. Kumagai thus does not disclose all the limitations of claim 1, and the rejection of claim 1 should be withdrawn.

Claims 4-6 depend from claim 1. The rejection of claims 4-6 should be withdrawn for at least the reasons given above with respect to claim 1.

Claims 24-27, 31 and 32 are rejected under 35 U.S.C. §102(e) as being anticipated by Ueki (U.S. Patent 7,102,970). The rejection is respectfully traversed and reconsideration is requested.

Ueki does not disclose all the limitations of claim 24. For example, Ueki does not disclose wherein "the information about the optimal writing pattern allows the drive to record and/or reproduce data with respect to the information storage medium having the version of the standard that is newer than the version of the standard of the drive", as recited in claim 1. Ueki discloses a disc having writing strategies for a plurality of linear scanning speeds, such as 1x, 2x, 4x, and so forth (FIG. 3; col. 10, lines 15-19). This information is recorded in ID1 to IDn+1 recorded in the lead-in area of the disc (FIG. 3). This arrangement can be employed in a variety of discs, such as DVD-RW (col. 16, lines 52-55) or DVD-R (col. 18, lines 4-6). The arrangement and content of the fields for the two respective disc types is similar (col. 18, lines 4-6). However, there is no disclosure that the ID fields allow the drive to record and/or reproduce data with respect to the information storage medium having a newer version of the standard. The ID fields disclosed in Ueki only permit selection of writing strategies for different recording speeds for a single disc type (i.e., DVD-RW or DVD-R), not for different versions of a standard.

Additionally, DVD-RW and DVD-R are two different standards; one is not a "version" of the other as would be understood by one of ordinary skill in the art. Indeed, a DVD-RW and a DVD-R have a different physical composition since DVD-R is not rewritable and represents a completely different disc type as opposed to a mere variation on a common standard. Even assuming arguendo that DVD-RW and DVD-R are different versions of the same standard,

nothing in the ID fields allows the disc to record and/or reproduce data from DVD-RW and DVD-R fields; compatibility between the two formats is due to a similar location of the fields on the disc. However, claim 24 recites wherein the information allows the compatibility, not merely the location of the information. Accordingly, Ueki does not disclose all the limitations of claim 24, and the rejection of claim 24 should be withdrawn.

Claims 25-27, 31 and 32 are deemed patentable due at least to their depending from claim 24.

**REJECTIONS UNDER 35 U.S.C. §103:**

Claim 3 is rejected under 35 U.S.C. §103(a) as being unpatentable over Kumagai et al. (U.S. Patent Publication 2002/0048241) in view of Yokoi (U.S. Patent Publication 2002/0085470). The rejection is respectfully traversed and reconsideration is requested.

Claim 3 depends from claim 1. Kumagai does not disclose all the limitations of claim 1 for the reasons given above, and Yokoi does not remedy these deficiencies. Accordingly, the combination of Kumagai and Yokoi does not disclose or suggest all of the limitations of claim 3, and the rejection of claim 3 should be withdrawn.

Claims 12-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kumagai et al. (U.S. Patent Publication 2002/0048241) in view of Takahashi (U.S. Patent 5,878,020). The rejection is respectfully traversed and reconsideration is requested.

Claims 12-17 depends from claim 1. Kumagai does not disclose all of the limitations of claim 1 for the reasons given above, and Takahashi does not remedy these deficiencies. Accordingly, the combination of Kumagai and Takahashi does not disclose or suggest all the limitations of claim 1, and the rejection of claim 1 should be withdrawn.

Claims 18-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ueki (U.S. Patent 7,102,970) in view of Yokoi (U.S. Patent Publication 2002/0085470). The rejection is respectfully traversed and reconsideration is requested.

The combination of Ueki and Yokoi, even if proper, does not disclose or suggest all of the limitations of claim 18. For example, the combination does not disclose wherein "the strategy information allows the drive to record and/or reproduce the data with respect to the information storage medium having the version of the standard that is newer than the version of the standard of the drive", as recited in claim 18. The Examiner relies on Ueki as disclosing this limitation. Ueki does not disclose this limitation for the reasons given above with respect to

claim 24, and the disclosure of Yokoi does not remedy this deficiency. Accordingly, the combination of Ueki and Yokoi does not disclose all of the limitations of claim 18, and the rejection of claim 18 should be withdrawn.

Claims 19-21 depend from claim 18. The rejection of claims 19-21 should be withdrawn for at least the reasons given above with respect to claim 18.

**ALLOWABLE SUBJECT MATTER:**

Claims 9-11 are allowed over prior art of record in light of the amendment to claims 9 and 11 in the reply filed on August 30, 2007.

Claims 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 7 and 8 are allowable for at least the reasons given above with respect to claim 1, from which claims 7 and 8 depend.

Claims 22, 23 and 28-30 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. §112, second paragraph, set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims. Claims 22, 23, and 28-30 are allowable for at least the reasons given above with respect to claims 18 and 24, from which they depend.

**CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Moreover, it is presumed that the Examiner has considered the references cited in copending U.S. Patent Application nos. 10/776,352, 10/776,343, and 10/630,774, considered by the Examiner in the Office Action of October 23, 2006, and considered the instant claims patentable over such references including, but not limited to, U.S. Patents 6,868,054, 7,046,605, 7,142,493, 7,068,579, 6,628,595, 6,330,215, 6,580,684, and 5,872,755 as applied in one of more of the above applications.

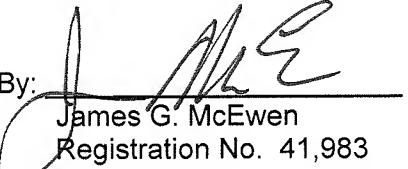
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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